

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SALOME GONZALES,

Petitioner,

v.

Case No. 11-15368

DAVID BERGH,

Respondent.

**ORDER DENYING PETITIONER'S "MOTION FOR
CERTIFICATE OF APPEALABILITY"**

In a December 31, 2012, order, the district court both dismissed with prejudice Petitioner's *habeas corpus* petition and denied a certificate of appealability. Petitioner nevertheless submits a "Motion for Certificate of Appealability," which the court construes as a motion for reconsideration.

For the reasons stated in the December 31 order, the court persists in its ruling. Petitioner submitted his petition years after a limitation barred relief. As grounds for tolling the limitation period, Petitioner raises ordinary obstacles that many prisoners must overcome to submit a *habeas corpus* petition on time. (Dkt. # 9 at 5.) The one potentially exceptional circumstance, Petitioner's alleged mental disability, remains unexplained, unevidenced, and, on this record, utterly unconnected to Petitioner's failure to submit his petition punctually. Accordingly,

IT IS ORDERED that the motion for a certificate of appealability [Dkt. # 12] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 22, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 22, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522